

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION**

**CRITICAL DEADLINES AND
IMPORTANT COURT DATA**

1. **Your Case No. is** _____
2. **Your date of appointment is** _____
3. **Your Clerk is:**

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4. Guardian's Report (Form 17.7) - Due annually, on or before one year from the date the guardian is appointed. The first Guardian's Report is due on or before _____, and each year thereafter.
5. Statement of Expert Evaluation (Form 17.1) - Due annually, with the Guardian's Report (Form 17.7). If the guardian's report addendum is signed on the third page of the Statement of Expert Evaluation (Form 17.7) when submitted with any Guardian's Report, the Court will waive all future requirements to submit this evaluation.
NOTE: A STATEMENT OF EXPERT EVALUATION IS ALWAYS DUE WITH THE FIRST GUARDIAN'S REPORT.

GUARDIANS OF THE ESTATE

1. Guardian's Inventory (Form 15.5) - Due no later than three (3) months from the date the guardian is appointed. Due on or before _____.
2. Guardian's Account (Form 15.8) - Due annually, on or before one year from the date the guardian is appointed. The first Guardian's Account is due on or before _____, and each year thereafter.

**IT IS YOUR DUTY AS GUARDIAN TO MAKE CERTAIN THAT ALL DOCUMENTS ARE
TIMELY FILED. THE COURT WILL NOT SEND NOTICES TO PROMPT YOUR MEMORY.**

The undersigned Guardian acknowledges receipt of the Fairfield County Probate Court Guardian's Manual.

GUARDIAN

Guardian's Handbook

Adult Incompetent Wards



Fairfield County Probate Court

Judge Terre L. Vandervoort

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- Using the Handbook
- What is a Guardian?
- Difference Between a Guardian and Conservator
- Difference Between a Guardian and a Durable Power of Attorney

A. Using the Handbook



"A guardian is an individual appointed by the Probate Court to protect, make decisions for, and act for a person in need of a guardian."

You have been appointed Guardian because someone in your life needs help and you are willing to lend a hand. You are the guardian because you care about that person. The Fairfield County Probate Court has provided you with this handbook to help you carry out your duties. *It is not a law book and should not be considered as legal authority. If you have questions about guardianship law, consult with an attorney.*

B. What is a Guardian?

A guardian is an individual appointed by the Probate Court to protect, make decisions for, and act for a person in need of a guardian. The person who needs a guardian is known as a ward.



"The person who needs a guardian is known as a ward."

A guardian of an adult ward receives Letters of Guardianship to act as guardian after the Probate Court has determined at hearing that:

- I. the proposed ward is incompetent, that is, "so mentally impaired that he is incapable of taking proper care of himself or his property"; and
2. the proposed guardian is a suitable person for appointment as guardian.

C. Difference Between a Guardian and a Conservator

A guardian and a conservator may be distinguished by the fact that a conservatee (the person subject to conservatorship) is mentally competent but physically infirmed, and *must consent to the need for a conservator*. In a guardianship, a ward *need not consent to the guardianship*, but must be found to be incompetent and in need of a guardian.

Unless limited by the conservatee, the powers and duties of a guardian and conservator are the same. Due to this lack of difference in powers or duties, for convenience, the remainder of this *handbook refers only to guardians*.

D. Difference Between a Guardian and a Durable Power of Attorney

A person who is competent may designate someone to be his power of attorney when he becomes incompetent. If a person is deemed incompetent, he cannot appoint a power of attorney and the court must appoint someone to serve as guardian. The Probate Court has no power over a Power of Attorney. If a guardian is appointed, the guardian may revoke the Power of Attorney.

II

TYPES OF GUARDIANS

- Person Only
- Estate Only
- Person and Estate
- Limited

The appointment and other procedures pertaining to the following guardians are the same - the difference is the authority exercised, or type of decisions made, on behalf of the ward.

A. Person Only

A guardian of the *Person Only* makes decisions of a personal nature, and provides for the personal needs of a ward. Decisions such as the type of food, clothing, living arrangements, and medical treatment are examples.

B. Estate Only

A guardian of the *Estate Only* makes decisions of a financial nature and manages the ward's estate. The estate includes any real property, personal property, monies, etc. [Examples would be payment of bills, taxes, and investment of a ward's excess income.]

C. Person and Estate

Quite often, decisions of the person and estate overlap. Therefore, a guardian's job is more easily managed when one person is named as guardian of both the *Person and Estate*. This is otherwise known as a “Full Guardianship.”

D. Limited

A *Limited Guardian* may be appointed to perform specific duties for either a definite or an indefinite period of time. In such cases, the guardian's authority is limited to those duties only, and the ward retains full control over all other aspects of his life.

III.

DUTIES OF GUARDIANS

Applies to All Guardians

- Make Decisions that are in the Ward's Best Interest
- Protect the Ward and the Ward's Interests
- Visit and Communicate with Ward
- Obey Orders of the Probate Court
- Report to the Probate Court
- Preserve the Ward's Will
- Receive Training

Applies to Guardian of Person

- Ensure the Ward's Personal Needs are Met

Applies to Guardian of Estate

- Manage the Ward's Estate

As a guardian, you have a challenging responsibility which involves a variety of duties. The source of those duties is found in Ohio law and the rules of the Probate Court. The following is a list of some of the guardian's most significant duties, and guidelines for carrying out those duties.

A. Make Decisions for a Ward that are in the Ward's Best Interest

Making decisions for a ward is a fundamental part of being a guardian. When making decisions for a ward or guardianship, a guardian should:



"Your ward cannot, or has limited ability to, protect his or her interests. That is one of the reasons for the guardianship."

1. Base the decision on what is in the best *interest of the ward*.
2. *Never* base the decision on reasons that are for the advantage or gain of the guardian or guardian's family. *Payments or transfer of assets of the guardianship to the guardian must have the prior approval of the Probate Court.* Transfer without Court approval may be considered theft, and reason for criminal prosecution of the guardian.
3. Depending on the capacity of your ward, allow the ward to make as many decisions as possible.
4. When making *major* decisions for a ward, either medical or financial, if possible, inform and discuss the decision with the ward and the ward's family.

B. Protect the Ward and the Ward's Interests

Your ward cannot, or has limited ability to, protect his or her interests. That is one of the reasons for the guardianship.

It is your duty to protect your ward, and ensure that the ward is not taken advantage of because of the ward's incapacity. This extends both to physical and financial protection of the ward and the ward's assets, including defending the ward's legal interests in litigation either for or against the ward.

C. Visit and Communicate with Your Ward

Without visiting or communicating with the ward, or someone who is in close contact with the ward, a guardian will not have the knowledge necessary to perform the duties and act as guardian.

Because ongoing contact and involvement is important to a successful guardianship, the guardian should have regular visits and/or communications with the ward.

D. Obey Orders of the Probate Court

The Probate Court is the superior guardian of a ward. As superior guardian, the Court delegates power over the ward to the guardian. The guardian has a duty and responsibility to the Court for the exercise and use of that power. To comply with that responsibility, the guardian *must* obey all Orders and rules of the Probate Court.

E. Report to the Probate Court as the Superior Guardian

A guardian must keep the Court informed as to the progress of the ward and guardianship. To fulfill that responsibility, a guardian must provide the Court, *on a timely basis*, all reports, accountings, and other required information necessary for the Court to monitor the guardianship.

Information a Guardian Must Report to Court

All Guardians:

1. Inform the Court of any major problems with the guardianship, such as abuse of the ward or theft of ward's property.
2. GUARDIAN'S REPORT - *due each year not later than the anniversary of the date of appointment of the guardian.*
3. Change of address or telephone for either the ward or the guardian.

Guardians of the Estate:

1. INVENTORY - *due three months from date of appointment of guardian.*
2. ACCOUNTING - *due each year not later than the anniversary of the date of appointment of the guardian, and when the guardian resigns or the guardianship is terminated.*

Continuance:

In the event the guardian will not be able to file any required document in the required time-frame, it is the guardian's responsibility to obtain a continuance from the Probate Court.

F. Preserve the Ward's Will

Within three months after the guardian's appointment, a guardian shall file with this Court a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing. If the guardian discovers these documents after the time of the filing, the guardian must inform the Court of those legal papers within 30 calendar days of discovery. The guardian may also deposit the originals of all wills of the ward with the Court for safekeeping, pursuant to the procedure in R.C. §2107.07.

G. Receive Training as a Guardian

A well-informed guardian is a successful guardian. A guardian should strive to learn as much as possible about applicable guardianship procedures and duties. A guardian can utilize the Supreme Court of Ohio's online training portal or work with the Probate Court to obtain additional training materials. While family member guardians are exempt from the annual training requirements, non-family member guardians must comply with this requirement for one 6-hour initial training course and yearly 3-hour continuing education course.

H. Provide for the Ward's Personal Needs

As guardian of the Person, you are responsible for the ward's personal needs. These needs include provisions for adequate and suitable:



"As guardian of the Person, you are responsible for the ward's personal needs."

1. **Living Arrangements**, including food, clothing, and shelter at a standard appropriate for the financial resources, or at a level to which the ward is accustomed.
2. **Medical care**, including decisions for treatment and non-treatment.
3. **Social stimulation and recreation** to ensure that the ward maintains a healthy mental attitude through outings, contact with family and friends, and recreational and educational opportunities.

I. Manage the Ward's Estate

A guardian of an estate must prudently safeguard the ward's assets and income. This duty includes payment of the expenses, taxes, and costs of the guardianship, such as bond premiums, attorney's and guardian's fees, and investment of excess income. When managing a ward's estate, the guardian must:

1. Maintain legible and complete written records

Maintain legible and complete written records of the ward's finances and all money received or spent.

2. When required, obtain prior Court approval.

Before using guardianship funds, paying guardian's or attorney's fees, selling the ward's property, investing, or making gifts from the ward's income or assets, the guardian *must* have the prior approval of the Court.

PRIOR COURT APPROVAL REQUIRED

- ☒ Any Expense
- ☒ Attorney Fees
- ☒ Guardian's Fees
- ☒ Investments
- ☒ Selling Property
- ☒ Making Gifts

3. *File tax returns.*

The guardian must file income tax returns for a ward, and pay any tax debts of the ward.

4. *Maintain separate Guardianship Bank Account(s).*

The ward's or guardianship funds must be kept separate from your own personal funds or monies. The guardian has a duty to place the ward's funds in separate guardianship accounts.

5. *Obtain a Guardians Bond*

Prior to being appointed guardian of the estate, the applicant must secure a bond. A bond is an insurance policy which protects the ward from any misuse of the assets. The bond amount will be set at the time of the hearing. The law requires that the bond amount be at least double the amount of the ward's personal property and income. Real property or personal property that is sequestered is not subject to bonding and may reduce the amount of the bond. Sequestering assets means that a special account is established which cannot be accessed without prior Court approval.

Unless otherwise waived by motion, the Court will always require the posting of bond for a guardianship of the estate. This is called a minimum bond. Because the bond is a benefit to the guardian, the premiums payed to obtain the bond may be charged to the guardianship. The bond must be renewed annually. The amount of the bond can be changed upon the order of the Court.

6. *Prudently Invest the Guardianship Funds.*



"The guardian of the estate has a duty to safely invest the ward's funds."

The guardian of the estate has a duty to safely invest the ward's funds. The guardian may place the ward's funds in only those financial institutions and investments authorized by law. Remember, prior approval must be obtained before investing. The guardian cannot speculate with the ward's funds, or personally benefit from the investment of the ward's assets. The law specifically prohibits "self dealing"; that is, you, as a guardian, cannot buy from, or sell to, yourself.

7. *Follow Statutory Rules Before Making Gifts of a Ward's Funds.*

Gifts may be made of a ward's property, but only when those gifts are made in compliance with Ohio law and prior Probate Court approval.

8. *Sign all Contracts as Guardian to Avoid Personal Liability.*

Whenever a guardian signs a contract or bill for the ward, the words "guardian for" and the ward's name should be included next to the guardian's signature. By including the words "guardian for" and the ward's name, the guardian will not be personally liable for the ward's bills should the ward's assets be depleted. A guardian is, however, personally liable to account to his ward for any part of the ward's estate lost or wasted through failure of the guardian to exercise reasonable care.

9. *When Claiming Fees, Have Prior Court Approval.*

A guardian is entitled to be paid from the ward's estate for work performed for the ward's benefit. Court approval must be obtained before the guardian takes any compensation for performing his duties.

- Attorney at Law
- Probate Court
- Community

When a guardian has a question or a problem, the following are suggested persons or organizations that may be of assistance.

A. Attorney at Law

If you do not have an attorney the Fairfield County Bar Association has a website that will give you the names of attorneys who practice probate law. Attorney fees may be paid from guardianship funds. However, the fees must be first approved by the Probate Court.

B. Probate Court

While the Probate Court is prohibited by law from providing legal advice, the Probate Court clerk staff may be able to answer questions regarding forms and procedure.

If an attorney of record has appeared on behalf of the guardian, it is generally advisable to contact the attorney prior to contacting the Court to ensure both the guardian and the attorney maintain good communication.

C. Community

There are a wide range of services in the community available to the guardian and ward.

- Personal dignity and respect
- Contest the guardian's actions
- Be represented by an attorney of choice
- Question need for the guardianship
- Privacy
- Contest living arrangements
- Object to medical treatment
- Vote
- Drive
- Choose religious practice

Some of the important rights the ward has after a Guardian is appointed are:

THE RIGHT TO:

- A. Personal dignity and respect.
- B. Contest the actions of the guardian. The ward or interested parties can ask the Court to review the situation and decide upon the best course of action.
- C. Representation by an attorney of his or her choice. If the ward cannot afford an attorney, one will be appointed at county expense.

- D. Question the need for the guardianship and ask the Court to end or change the guardianship. (See Termination, Page 24.)
- E. Privacy. This includes the right to bodily privacy and the right to private and uncensored communication with others by mail and telephone. The ward also has the right to visit and maintain contact with anyone he chooses, unless such visits or communication are not in the ward's best interests.
- F. Contest the living arrangement that has been established for the ward. The goal of the guardian should be to maintain the ward in the most normal, least restrictive environment possible.
- G. Object to medical treatment. A guardian of the person may authorize medical, health, or other professional services for the ward. The ward or an interested party may file objections with the Probate Court.
- H. Vote. If there is a question about the ward's capacity to vote, and he or she wishes to do so, the Board of Elections should be contacted for guidance.



"If there is a question about the ward's capacity to drive, the guardian should consult with the ward's physician."

I. Drive. If there is a question about the ward's capacity to drive, and he or she wishes to do so, the guardian should consult with the ward's physician. A physician may make a referral to the Bureau of Motor Vehicles requesting that an individual's license be re-evaluated or suspended due to their infirmities.

J. Choose religious practice.

Guardianship may be terminated by:

- *Death of a Ward*
- *Order of the Court*

A. Death of a Ward

If the ward dies, the guardian's authority ends. The guardian must, within 30 days, file a written notice of the death with the Court. The guardian does not have authority to pay bills or expend the ward's funds after death. The final duty of the guardian is to give an account to the Court up to the date of the ward's death. The guardian has no further authority over the ward's estate except to safely keep and deliver the assets to whomever the Probate Court appoints to administer the ward's estate.

B. Order of the Court

1. **On Request of Guardian:**

The guardian should constantly evaluate the ward's condition. If at any time the guardian realizes, and a physician agrees, that the ward no longer needs the protection of a guardianship, the guardian should ask the Court to end the guardianship.

2. **On Request of Ward or Other Interested Party:**

120 days after the date of the guardian's appointment, and yearly thereafter, a written request for termination may be filed. If the ward states he is competent, the burden is on the guardian to prove that the ward is incompetent and that the guardianship is necessary.

**NOTE:* The procedure for termination of a conservatorship is different from that of a guardianship. Either an attorney or the Court should be consulted for information on termination of a conservatorship.

APPENDIX A

COLLECTING AND PRESERVING GUARDIANSHIP ASSETS

One of the most important functions of a Guardian of an estate is to collect and preserve the assets of the ward. The following are suggestions that may be helpful in collecting and preserving the ward's assets.

Use Letters of Guardianship

The Court has issued Letters of Guardianship which states that you are a guardian and have the power to collect and control the assets of your ward. As proof of your authority, Letters of Guardianship should be displayed when a question arises as to your power to receive, control or manage assets of your ward.

If you should lose, or need additional copies of, the Letters of Guardianship, you may request copies from the Court.

Do Not Co-Mingle Your Assets with Ward's Assets

It is a breach of duty to co-mingle (mix) your assets or funds with those of your ward. This means you must maintain a separate savings and checking account for guardianship funds. Do not deposit your own funds into those accounts, and only pay bills of the guardianship from those accounts.

Establish Guardians Accounts

A. Types of Guardian's Accounts

1. Checking

You will need a guardian's checking account to pay recurring and small bills or debts of the guardianship. Remember, Court approval must be obtained before expending guardianship funds. This rule includes expenditures from your guardian's checking account.

2. *Sequestered Accounts*

A Guardian's Sequestered Account (sometimes also referred to as a custodial account or a restricted account) represents funds of the ward-guardianship which are not needed to pay for routine or minor expenses. (Those expenses are paid from a guardian's checking account.) Because the guardianship does not have an immediate need for those funds, the Court requires those funds to be impounded and placed in a sequestered account.

A sequestered account may be a savings or investment account with a bank, credit union or other financial institution. The most important aspect of a sequestered account for you to remember is that the *bank, credit union or financial institution will not release funds from a sequestered account without a Court order.*

B. Procedure for Establishing Accounts

- Make sure the bank you choose will accept a guardian's account.
- Make sure the financial institution provides you with cancelled checks.
- Determine the bank(s) or financial institution(s) in which your ward has deposits.
- Send copies of your Letters of Guardianship to the bank(s) or financial institution(s), and request specific information (Account number and balance) of the ward's account(s).
- File with the Court:
 1. Application for Authority to Release Ward's Funds, Form 15.6 (See sample form.)

- Submit a certified copy of the Application to Release Ward's Funds to the ward's bank(s) or financial institution(s), and transfer the funds to your guardianship bank.

When Necessary, Increase Guardian's Bond

Funds that are impounded (custodial accounts) will not require a guardian's bond. Those funds that are not impounded (as an example, funds in your guardian's checking account) require a guardian's bond. The amount of your guardian's bond has been set by the Court. If, at some future point, there is a significant increase in the guardianship's non-custodial funds or property, the Court may increase the guardian's bond. Since the guardian's bond protects you and the ward in case of misapplication of funds, bring to the Court's attention any large or significant increase in non-custodial property or funds so that the guardian's bond may be increased.

Inventory Ward's Assets

So that you can manage the guardianship assets, you must have an accurate idea of what property the ward possesses, and the value of that property. To accomplish this task, inventory the ward's property. Remember, a report of the results of your inventory is to be filed with the Court.

Temporary Change of Address

One way to determine the property and debts of your ward is to temporarily change the ward's mailing address to that of your own. The bills and statements received in the ward's mail will give you an idea of the ward's finances. However, your ward has a right to receive his or her personal mail such as magazines, letters, and cards, and every effort should be made to see that your ward receives non-financial mail. After a few months, or when you have taken from this mail as much information as you can about your ward's finances, a second change of address back to your ward's address should be filed with the Post Office. This second change will allow for direct delivery of personal mail to the ward. After the second change of address, mail dealing with the ward's finances should continue to be mailed to you as guardian.

Effect of Guardianship on Powers of Attorney for Financial Transactions

A guardian has the same power the ward would have to revoke all or any part of the Power of Attorney and authority of the attorney-in-fact (the person designated by the ward to act for the ward under the Power of Attorney). If the guardian does not revoke the Power of Attorney, the attorney-in-fact may continue to act under the Power of Attorney, and must report or account to the guardian. *To avoid problems due to a Power of Attorney, if your ward has one, inform the Court and your attorney, and discuss the advisability of revoking the power.*

Devise Plan to Preserve Guardianship Assets

Once you have completed an inventory of the ward's assets, you must devise a plan to manage and preserve those assets. If your ward has large amounts of stock, cash, or valuable property, you should consider seeking professional advice. Before you can invest, remember that the types of investments are specified and controlled by statute.

ASSETS TO LOOK FOR

- Cash
- Uncashed checks and refunds
- Bank Accounts
- Stocks
- Bonds
- Promissory notes
- Partnerships
- Other business interests
- Life insurance policies
- Real estate
- Furniture
- Antiques
- Artwork
- Jewelry
- Valuable dogs or other pets
- Valuable collections
- Vehicles

Ways to Protect the Ward's Valuable Possessions

- Remove valuables such as silver, art, jewelry, and furs from the house unless the ward wants to keep them at home.
- If the ward wants to wear jewelry, substitute less expensive jewelry. For instance, if the ward wants to wear expensive pearls on a regular basis, substitute costume jewelry.
- If the ward insists on wearing valuable jewelry, alert the ward's relatives, friends, and lawyer that you are allowing the ward to wear his or her jewelry.
- Take an inventory of all valuables that remain in the home, and photograph them. Keep this information in the guardianship safe deposit box, or other secure place. Let everyone who comes into the house know that an inventory has been taken.
- Go through the house annually to check the inventory.
- Put locks on valuables when you can - for example, on china closets or closets in which valuables such as silver or jewelry are stored.
- Insure valuables. Valuables can be added to homeowners' or tenants' policies. List and describe these items individually. Consider taking this step no matter who is in possession of these items.
- Engrave identification numbers on the television and on the stereo equipment. You might use the ward's Social Security number. Be sure to let everyone know that these items are marked.
- If you hire an aide directly or through an agency, be sure to check references.
- If you hire an aide through an agency, make sure the agency screens, bonds, and insures its employees.

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

APPLICATION TO RELEASE FUNDS TO GUARDIAN

Now comes the guardian of the above named ward and makes application for authority to secure the release of the following funds of the ward.

The applicant further states that it is for the best interest of the ward that this authority be granted.

Date

Guardian

ORDER AUTHORIZING RELEASE OF FUNDS

This _____ day of _____, 20____, this cause came on to be heard upon the application of the guardian of the above named ward and the evidence, and the Court being fully advised in the premises, hereby authorized the release of the above named funds to the guardian.

Date

Terre L. Vandervoort, Probate Judge

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

GUARDIAN'S BOND

[R.C. 2109.04(A)(1)]

Amount of this bond \$ _____

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors, and administrators, jointly and severally.

The principal has accepted in writing the duties of fiduciary in ward's estate, including those imposed by law and such additional duties as may be required by the Court.

This obligation is void if the principal performs such duties as required.

This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates estate assets or improperly converts them to the principal's own use or the use of another.

[Check if personal sureties are involved.] ☐ The sureties certify that each of them owns real estate in this county, with a reasonable net value as stated below.

Date

Principal

Surety

Surety

By: _____
Attorney in Fact

By: _____
Attorney in Fact

Typed or Printed Name

Typed or Printed Name

Address

Address

Net value of real estate owned in this county
\$ _____

Net value of real estate owned in this county
\$ _____

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

APPLICATION TO DISPENSE WITH GUARDIAN'S BOND
[Local Rule 75.2(G)]

The Applicant requests that the Court dispense with the requirement of a guardian's bond under R.C. §2109.04 in this case for the following reason (check only one):

- ☐ Bond is not required under Local Rule 75.2(G)(1) because the controlling instrument nominating the Applicant for appointment as Guardian expressly dispenses with bond.
- ☐ Bond is not required under Local Rule 75.2(G)(3) because the total value of the ward's personal property, annual income and annual real property rentals is less than \$10,000.00.
- ☐ Bond is not required under Local Rule 75.2(G)(4) because the ward does not own any personal property and the Applicant has provided proof that all income is paid directly to a lawful representative payee or to a health care facility providing for the long-term care of the ward.
- ☐ Promptly upon appointment, the Applicant will deposit all of the ward's assets into a restricted account at a financial institution in compliance with R.C. §2109.13. The Applicant will promptly file a written verification of deposit restrictions with the Court (SC Form 22.3). (Local Rule 75.2(G)(5))
- ☐ The following other special circumstances exist that make bond clearly unnecessary and the absence of bond will not prejudice any person or entity having a financial interest in this case. (Local Rule 75.2(G)(6)):

Attorney

Applicant

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

ENTRY REGARDING GUARDIAN'S BOND

[Local Rule 75.2(G)]

- ☐ The Court grants the Application and dispenses with the requirement of bond in this case for the following reason:
- ☐ Bond is not required under Local Rule 75.2(G)(1) because the controlling instrument nominating the Applicant for appointment as Guardian expressly dispenses with bond.
 - ☐ Bond is not required under Local Rule 75.2(G)(3) because the total value of personal property, annual income and annual real property rentals is less than \$10,000.00.
 - ☐ Bond is not required under Local Rule 75.2(G)(4) because there is no personal property and the Applicant has provided proof that all income is paid directly to a lawful representative payee or to a health care facility providing for the long-term care of the ward.
 - ☐ Bond is not required under Local Rule 75.2(G)(5) because the Applicant has agreed to deposit all assets into a restricted account at a financial institution in compliance with R.C. §2109.13. Once appointed by this Court, the Applicant must promptly file a written verification of deposit restrictions to the Court (SC Form 22.3).
 - ☐ Under Local Rule 75.2(G)(6), the Court finds that special circumstances exist in this case, as described in the Application, which establish that bond is clearly unnecessary and the absence of bond will not prejudice any person or entity having a financial interest in this case.
- ☐ The Court denies the application, but modifies the requirement of bond. In place of bond, the Court orders that promptly upon appointment the Applicant must do the following to preserve the ward's assets:

- ☐ The Court denies the application. The Court orders the Applicant to post bond in the amount of \$_____

Date

Terre L. Vandervoort, Probate Judge

SAMPLE INVENTORY

Collection and Control of Ward's Assets

Upon your appointment as guardian, it is your duty to take steps to locate and take control of the ward's assets. When you have located the ward's assets, you must file an inventory.

What is an Inventory?

An inventory is a document prepared by the guardian, and filed with the Court, that lists all of the assets owned by the ward on the date the guardian of the estate was appointed, and lists the value of those assets.

In addition, an inventory lists the yearly rent collected from any real property owned by the ward, lists whether the ward has a safety deposit box and/or a Last Will and Testament, and lists their locations.

When is an Inventory Due?

An inventory must be filed within three (3) months of the date of the appointment of a guardian of the estate.

What Forms Do You Use in Preparing and Submitting an Inventory?

There is one form: *Guardian's Inventory*
(Form 15.5)

Preparing an Inventory

- Once you have collected the ward's property, place a value on that property. Real property should be appraised at the same value as the last county auditor's tax duplicate for real estate tax purposes.
- When you have determined the values of the ward's assets, list all assets with their values on the Guardian's Inventory. (See Sample)
- Remember to list on the Inventory uncashed checks received prior to, or on, the day of appointment of the Guardian. Do not list checks received after the appointment date. Those checks should be listed as income on the first Accounting filed. (See Sample)
- Real and personal property should be entered and totaled separately on the Inventory form. (See Sample)

Guardians Inventory - Form 15.5

- Add the figures representing the total real property and personal property together, and enter the total on the Inventory under "REAL AND PERSONAL ESTATE OF WARD" on Guardian's Inventory. (See Sample)
- If any of the ward's real property (real estate) is being rented, enter the value of that rent for one year on the Guardian's Inventory form under "YEARLY RENT".
- Sign and date the Guardian's Inventory form.

NOTE: *Expenditures will not be approved if an Inventory has not been filed.*

Property Discovered After an Inventory is Filed

If you find, or are given, assets after the Guardian's Inventory is filed, you must file a Supplemental Inventory. List only newly- discovered assets on the Supplemental Inventory. Discovery of stock held in the ward's name after the Inventory is filed would be an example of property reported on a Supplemental Inventory. However, a dividend check (or any check representing income- such as Social Security) received after the date of appointment is not reported on an Inventory, but as income on an Accounting filed by the Guardian.

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

GUARDIAN'S INVENTORY
[R.C. 2111.14(A)]

of the real and personal estate of the ward with its
value and the value of the yearly rent of the real estate

List any safe deposit box and date and location of any will. _____

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

RECAPITULATION

Total value of Personal Estate	\$ _____
Total value of Real Estate	\$ _____
Yearly rent of Real Estate	\$ _____
Other Annual Income	\$ _____
Total	\$ _____

Date

Guardian

APPENDIX C

EXPENDING FUNDS & GIFTS

EXPENDING FUNDS

Court approval must be obtained prior to expending monies of the ward.

Procedure

- *Expenditures from Guardian Account & Other Non-Custodial Funds:*
File with Court Application for Authority to Expend Funds, Form 15.7.
- *Expenditure or Transfer of Funds from a Custodial Account:*
File with Court Application for Authority to Release Funds to Guardian, Form 15.6, as well as an Application for Authority to Expend Funds, Form 15.7.
- Attach to Application, if available, copies of bills or other documents to support need for expenditures or transfer.

NOTE: Expenditures will not be approved if an Inventory has not been filed, unless the guardian shows that delaying the authorization would be detrimental to the ward. The Guardian should also always include a current available balance in the ward's guardian account when applying to expend funds.

Recurring Expenditure

If you have recurring expenditures, to avoid filing multiple Applications, you may wish to file one Application for continuing authority to pay for those recurring expenses. An example of a recurring expense would be the need to pay monthly nursing home bills.

TERRE L. VANDERVOORT, JUDGE

[State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.]

[illegible]

Guardian

Terre L. Vandervoort, Probate Judge

GIFTS

Gifts may be made of a ward's funds or assets to the ward's family, friends, or charities. *However, before a gift may be given, Court approval must be obtained.* The procedure for obtaining Court approval and is as follows:

Court approval may be obtained by submitting the request on Form 15.7, Application to Expend Funds. The Application should state the amount of the gift, who the gift is being given to, and the reason for the gift. *No gift will be approved by the Court if the gift impairs the financial ability of the ward's estate to provide for the foreseeable needs for maintenance and care of the ward. See R.C. 2111.50(D).*

APPENDIX D

SALE OF WARD'S PROPERTY

It may be necessary, because of debts or other reasons, to sell the ward's property. When selling the ward's property, you must secure the best price obtainable. *Remember, before you can sell, you must have the Court's approval.*

The procedure for obtaining the Court's approval depends on the type of property, either personal (car, furniture, stocks, etc.) or real (land, house, buildings).

PERSONAL PROPERTY

A. Personal Property Requiring Court Approval:

1. Personal property specifically bequeathed under the ward's Will. Example: Jane Doe's (ward) Will states that Ellen Doe is to receive her sapphire ring. The sapphire ring cannot be sold without Court approval.
2. Personal property sold to a relative of the ward or guardian.
3. Value of the tangible personal property is greater than \$1,000.

B. Procedures for Obtaining Court Approval:

Guardians Application to Sell Personal Property:

To obtain the Court's approval, submit Guardian's Application to Sell Personal Property. If approval is granted, a copy will be returned to you with the Court's consent. If an item is specifically bequeathed under the Will of the ward, that information should be included in an Application to Sell.

REAL PROPERTY

Ohio law requires either the guardian of the estate to either file of a land sale complaint or follow the procedure set forth in R.C. 2127.012 before real property in a guardianship may be sold. Since selling real estate out of a guardianship can be exceptionally complicated, it is suggested that any guardian wishing to sell their ward's real estate seek the advice of an attorney.

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SELF-DEALING - SELLING TO A RELATIVE

Remember, guardians cannot enrich themselves at the expense of their wards. If a guardian violates this rule, he or she may be removed and/or criminally prosecuted.

This rule applies to the sale of the ward's property. A guardian may not purchase his ward's property. A guardian should be particularly careful in selling property to his family, or to relatives of the ward. If a relative wishes to purchase property, he or she must be charged the same price as a non-relative, and cannot receive a reduced price because they are related. If, due to special circumstances, you do wish to purchase, or to reduce the price of property for a relative, you must have valid reasons and *Court approval*.

SAMPLE ACCOUNTING

WHAT IS AN ACCOUNTING?

An Accounting is a report filed with the Court by a Guardian of the Estate, outlining expenditures and receipts of guardianship funds and property during the accounting period and funds and property on hand at the end of that period.

In other words, an Accounting is a report of the guardian's handling of guardianship property, income, and expenses during a given period.

WHAT IS THE PURPOSE OF AN ACCOUNTING?

First, to cause the guardian to maintain and keep records of guardianship activities, and, second, to provide the Court with information that will allow it to supervise and monitor the management of guardianship assets.

WHAT ARE THE TYPES OF ACCOUNTINGS?

There are three types of Accountings. They are:

1. *Annual*
An Accounting that is filed each year
2. *Final*
An Accounting filed on termination of the guardianship
3. *On Order of the Court*
An Accounting, other than an Annual or Final, that is specifically ordered by the Court.

Ohio law requires every Guardian of the Estate to file Annual Accountings and, on termination of the guardianship, a Final Accounting.

WHEN ARE ACCOUNTINGS DUE?

- * *Annual*

One year from the date of appointment, and annually thereafter.

- * *Final*

30 Days after the termination of the guardianship.

- * *On Order of the Court*

The Order to account will state when the accounting is to be filed.

NOTE: The date of appointment can be found on the Guardian's Letter of Authority.

WHAT FORMS ARE USED TO FILE AN ACCOUNTING?

There is one standard form that the Fairfield County Probate Court uses when filing a Guardian's Accounting - Form 15.8 "Guardian's Account"

TIPS ON FILING AN ACCOUNTING

- * Keep good records. If you have kept good records, it will be much easier when the time comes to prepare an Accounting.
- * Your Accounting must be *typewritten or neatly printed in blue ink*. Filings that are not legible, that is, readable, may be required to be resubmitted.
- * Disbursements must be approved by the Court. Disbursements, that is, expenditures made from guardianship funds, cannot be made without prior Court approval. When an Accounting is reviewed by the Court, if no Order of approval for expending funds is on file, the Accounting will not be set for a hearing until an Order approving the expenditure is submitted and approved. If the matter is not resolved, expenditures not approved may be disallowed on the Accounting.
- * Each disbursement must be supported by a voucher (cancelled check or receipt) to prove payment. At the time your Accounting is presented to the Accounts Clerk, you will be required to provide evidence that each disbursement listed has actually been paid. The simplest method for proving disbursement is to show the clerk a cancelled check or paid receipt for each disbursement. The clerk will not retain the voucher, but will return them to you when the Accounting has been accepted.
- * All current Court costs must be paid before an Accounting will be approved. Before filing an account, contact the Court to determine if there are, and the amount of, any outstanding Court costs. Don't forget to include Court cost of filing the Accounting.

- * Attach to the Guardian's Account a copy of the settlement closing statement when guardianship *REAL PROPERTY* has been sold.
- * Do not report funeral expenses unless they were prepaid, that is, they were paid while the ward was still living.
- * Unless specifically instructed to do so by this Court, do not list appreciation or depreciation of tangible property.

An example of an *incorrect* entry would be a car that has lost book value, but the car has not been sold. If the car was sold during the accounting period, then the depreciation would be reported.

- * A copy of a statement that shows an account balance at the date of the end of the accounting period for every guardianship account is required.
- * Don't forget, as Guardian, to sign the Guardian's Account.

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO

PROBATE DIVISION

TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S ACCOUNT

[R.C. 2109.30]

_____ ACCOUNT

FROM: _____

TO: _____

				Prior Balance: \$ _____
Date	Description	Voucher No.	\$	Balance
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

CASE NO. _____

RECAPITULATION

Total Receipts _____ \$ _____
Total Disbursements _____ \$ _____
Balance Remaining _____ \$ _____

ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS

ITEM	
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Attorney
Attorney Registration No. _____

Guardian

Typed or Printed Name

Guardian's Address

ENTRY SETTING HEARING

The Court sets _____ at _____ o'clock _____.M., as the date and time for hearing the above account.

Date

Terre L. Vandervoort, Probate Judge

LIVING ARRANGEMENTS

One of your most important duties as Guardian of the Person is to decide where the ward should live. Wherever the ward lives, you are responsible for seeing that the ward's living arrangements are safe, comfortable, and allow the ward as much independence as possible!

1st Choice -Allow the Ward to Live at Home

If possible, the first choice should be to maintain a ward in his or her own home. Living in his or her own home offers the ward the security of familiar surroundings, neighbors and friends close by, as well as his or her own belongings and memories. The following are suggestions you may consider in helping to maintain the ward in his or her present home or residence:

- * Consider having the ward professionally evaluated by health care professionals to determine what level of care and services he or she requires.
- * Hire part-time or full-time in-home aides to prepare meals, launder clothes, and help the ward take medicine, and perform other personal care tasks.
- * Have the ward's home and yard thoroughly cleaned to get rid of debris and unsanitary conditions. Make necessary repairs.
Arrange for regular house cleaning and yard maintenance services.
- * Remove fire hazards, and buy fire extinguishers and smoke detectors.
- * Have the locks changed or a security system installed, or both.

- * Contact the gas, electric, water, garbage, and telephone companies to continue service.
- * If the ward is a renter, ask the landlord to make needed repairs.
- * Arrange for nearby family members, friends, and neighbors to look in on the ward, help with shopping, and take the ward to medical and dental appointments or on recreational outings. You might offer to pay their reasonable out-of-pocket expenses.

When the Ward Can No Longer Live at Home

At some point, it may no longer be physically or financially possible for the ward to continue to live in his or her own residence. You, as Guardian of the Person, have the power to make this decision, as well as the responsibility of selecting a new residence. This is a drastic step, and should not be taken simply for the convenience of others. This decision must be based on the ward's needs, preferences, and best interests. This decision may also impact the ward by separating him or her from any pets. For the benefit of the ward and any potential pets, it is important that the Guardian make appropriate arrangements regarding the pet's care.

Remember, you must notify the Court whenever you change the residence of the ward for anything other than a temporary period of time. You cannot move the residence of the ward to a place outside of Ohio or to a more restrictive setting without Court approval.

Examining Placement Alternatives

If you decide that the ward can no longer live at home, discuss the ward's needs with the ward, the ward's family, and his or her physician. Figure out how much the ward can afford to pay for care, housing, and other living expenses, then decide which type of facility can best take care of the needs you have identified.

Remember, the more care a facility offers, the more it costs to live there. The daily cost of a skilled nursing facility is many times that of a board and care facility or a group home. Placement alternatives include:

1. *Board and care facilities, foster care homes, group homes, or assisted living residences* usually provide meals and laundry, transportation for appointments, companionship, supervision of medications, and assistance with daily living activities, such as bathing and dressing.
2. *Retirement Communities* offer a variety of living situations and levels of care. The community may have independent apartments or cottages, "assisted living" services, and a skilled nursing facility. There may be a dining room to serve residents, maid service, and transportation.
3. *Intermediate care facilities (ICF)* provide room, meals, help with daily activities, and daily (but not 24-hour) nursing care.
4. *Skilled nursing facilities (SNF)* provide room, meals, help with dressing, personal hygiene, and other personal care needs; physical and occupational therapy; and 24-hour nursing care, supervised by a doctor.

Placement Assistance:

The Central Ohio Area Agency on Aging (1-800-589-7277), located at 3776 South High Street, Columbus, OH 43207, offers nursing home placement assistance for Fairfield County, and also assistance for alternate care programs. They have several useful and informative pamphlets available upon request.

Selecting a Nursing Care Facility

Before placing a ward in a facility, a guardian should take a tour (unguided if possible). Take a good look at the residents, and notice:

- * How are the residents treated by staff?
- * Are they up and dressed at a reasonable time?
- * Are they clean, are their hair and nails neat and clean, have the men been shaved?
- * Are there meal trays sitting around untouched?
- * Are call bells answered in a reasonable time?
- * Are the residents' questions answered?
- * Would you place one of your family members there?
- * Talk with family members of current residents.

In order to select the most appropriate nursing care facility for the ward, consider visiting at least three facilities. Use the "Nursing Home Checklist" as you tour the facility. It can also help you in comparing homes.

Remember, wherever the ward lives, you are responsible for seeing that the home is safe, comfortable, and allows the ward as much independence as possible.

NURSING HOME CHECKLIST



Nursing Home Name _____

Administration

Please Circle Y for Yes
or N for No

- Does the nursing home have the required current license from the state, or letter of approval from a licensing agency?
- Is the home certified to participate in the Medicare and Medicaid programs?
- Do staff members show patients genuine interest and affection?
- Do patients look well cared for and generally content?
- Are patients allowed to wear their own clothes, decorate their rooms, and keep a few prized possessions on hand?
- Is there a written statement of patients' rights? Is this statement displayed where it can be seen?

Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N

General Physical Considerations

- Is the nursing home clean and orderly?
- Are toilet and bathing facilities easy for handicapped patients to use?
- Is the home well lighted?
- Is the home reasonably free of unpleasant odors?
- Are rooms well ventilated and kept at a comfortable temperature?
- Are there wheelchair ramps where necessary?
- Are there grab bars in toilet and bathing facilities?
- Are there handrails on both sides of the hallway?
- Is there an automatic sprinkler system and automatic emergency lighting?
- Are there portable fire extinguishers?
- Are exit doors unobstructed and unlocked from inside and easily accessible?
- Are emergency evacuation plans posted in prominent locations?
- Are there smoke detectors and fire alarms on every floor?
- Is there a fire station near the home?
- In case of medical emergencies, is a physician available at all times, either on staff or on call?
- Does the home have an arrangement with an outside dental service to provide patients with dental care?
- Are pharmaceutical services supervised by a qualified pharmacist?
- Does the home have arrangements with a nearby hospital for quick transfer of patients in an emergency?

Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N
Y N	Y N	Y N

NURSING HOME

CHECKLIST (Cont'd)

-Is there at least one registered nurse (RN) or licensed practical nurse (LPN) on duty every day and night?	Y N	Y N	Y N
-Are nurse call buttons located at each patient's bed, and in the toilet and bathing facilities?	Y N	Y N	Y N
-Is the kitchen clean and tidy?	Y N	Y N	Y N
-Are at least 3 meals served each day?	Y N	Y N	Y N
-Do patients appear to be given enough food?	Y N	Y N	Y N
-Are special meals prepared for patients who are on therapeutic diets or other diets?	Y N	Y N	Y N
-Does it appear that staff provide patients with help eating if necessary?	Y N	Y N	Y N
-Is there a full-time program of physical therapy for patients who need it?	Y N	Y N	Y N
-Are there special services available to aid patients and their families?	Y N	Y N	Y N
-Does the nursing home have varied programs and activities for patients?	Y N	Y N	Y N
-Are activities offered for patients who are inactive or confined to their rooms?	Y N	Y N	Y N
-Is a married couple able to share a room?	Y N	Y N	Y N
-Do all rooms have a window to the outside?	Y N	Y N	Y N
-Is there a curtain or screen available to provide privacy for shared rooms?	Y N	Y N	Y N
-Does each patient have a reading light, chair, and storage for belongings?	Y N	Y N	Y N
-Once a patient is admitted, will the nursing home assume responsibility for taking the patient to medical appointments or other outside community activities?	Y N	Y N	Y N
-Is the nursing home clear about what responsibilities should be assumed and/or kept by the family?	Y N	Y N	Y N

VISITING YOUR WARD AT AN EXTENDED CARE FACILITY

Many wards come to a point where they need to be cared for in a long-term care facility. Sometimes it is not comfortable to see the person you care for in a facility. Here are some things you should know if your ward resides in an extended care facility and some suggestions to make you more comfortable in visiting your ward.

The Facility Staff

The staff at the facility are the people who get to know your ward best. Consider the staff as a part of your team with the goal of improving the quality of life for the older adult. Share information with the staff that can help them with the care and answer questions when they arise.

Each facility usually has at least one full-time social worker who can be invaluable in helping coordinate care for your ward or handling any problems your ward may have. Talk to the nurses and aides who provide daily care for your ward. Learn about the staff, not only their names, but their interests. This can provide some common ground that can help the older adult bond with the people who are providing daily care.

What you may see

When you enter a long-term care facility, usually the first thing you see is the main desk. There is usually a registry for visitors. Let the facility know who you are and who you are there to visit. You may want to visit with your ward in his or her room, or most facilities have a central area where the residents congregate. It may be at the nurses' station or in a lounge area.

As you walk through the facility, you will see many residents. Some people will be awake, others may be dozing. Some will be in wheelchairs, others may be using canes or walkers. You may see oxygen tanks or other assisting devices. Some of the people you see may look healthy but have memory problems or difficulty with communication, hearing or vision.

What you may hear

The noises you will hear will be different from what one would hear at home or even in a hospital. There could be anything from the "machine noises" such as alarm bells, beepers, or medical equipment to laughter, loud TVs, people calling to each other, crying, or yelling. This can often be disturbing to a visitor, but it can also be disturbing to the ward. Make the ward as comfortable as possible and report any unusual noises to the staff.

What you may smell

The smells of a long-term care facility are often the first thing a person notices when entering the facility. Just as everyone's home can have its own smell, each facility will be different and may vary from time of day or one facility to another. Some of these may be unpleasant body odors, cleaning solutions, air fresheners, food scents, beauty shop shampoos and chemicals.

WAYS TO ENHANCE THE WARD'S QUALITY OF LIFE AT HOME OR IN A CARE FACILITY

- Arrange a network of visitors. The more people who show concern, the happier the ward will be. Care facility staff often provide the best possible care to a resident with frequent visitors.
- If the ward has been active in a church or synagogue, arrange for the congregation members or clergy to visit on a regular schedule.
- Decorate the area around the ward's bed with familiar objects. Care facility residents have the right to have personal belongings from home in their rooms.
- Place a bulletin board near the bed. Put up photos showing family and friends with the ward. Include photos of the ward at different ages and in happy times.
- Put diplomas, letters of appreciation that were written to the ward in earlier years, and other mementos on the bulletin board.
- Encourage family and friends to write letters and cards. Post them on the bulletin, and help the ward write back.
- Hire a part-time aide to help, to keep the ward company, or to take the ward on outings.
- Arrange for the ward to be taken out for activities like day-care programs, entertainment, family gatherings, and beauty or barber services.
- Provide favorite foods and beverages.
- Provide a radio, stereo, television, or VCR with a remote control if the ward can't move around easily.
- Provide ear plugs if the ward shares a room in a care facility.
- Arrange for a telephone with a private line.
- Arrange parties for the ward on birthdays and other special occasions. Have the ward act as host.
- Thank the ward's caregivers often.
- Nearby family members, friends, and neighbors often are willing to look in on the ward and help with shopping or take the ward to medical and dental appointments or on recreational outings. You might offer to pay their reasonable out-of-pocket expenses.

APPENDIX G

MEDICAL TREATMENT

AS GUARDIAN OF THE PERSON, DO I HAVE THE AUTHORITY TO CONSENT TO MEDICAL TREATMENT FOR MY WARD?

YES. As Guardian of the Person, you have the power to consent to medical treatment for your ward.

HOW DO I MAKE MEDICAL DECISIONS FOR MY WARD?

As with all guardian's decisions, consent for medical treatment should be given only when the treatment is in the best interest of the ward. The following guidelines will help you make medical decisions that are in the best interest of your ward.

FIRST, *check to see if your ward has a written document such as a durable health care power of attorney or a living will.* If there is a document, and if it is valid, you must follow your ward's instructions as found in the document, especially when making life-sustaining decisions.

SECOND, *when possible, before making a decision, discuss your decision with your ward and your ward's family.* It may not be feasible due to time, capacity, or condition of your ward, but, if possible, you should discuss with, and allow for input of your ward and the ward's family. Such discussions will likely help your ward and the ward's family accept your treatment decisions.

THIRD, *make sure that consent to your ward's medical treatment is informed.* Before making treatment decisions, get the facts. Talk to your ward's doctor and find out what the benefits of treatment are, the chance of success, and alternatives. Don't be afraid to ask questions. You may want a second opinion. Remember, an informed decision is what you would expect if someone were making a decision for you.

ORDERS NOT TO RESUSCITATE

As the guardian you may be called up to decide whether the ward should not receive further medical treatment. These are called Do Not Resuscitate Orders (DNR's). There are two types of DNR's: Arrest and Comfort Care. You can consult with the ward's physician or the staff at the nursing home for further details and appropriateness.

APPENDIX H

FILING THE GUARDIAN'S REPORT

Guardian's Report is Important.

The Guardian's Report provides a current summary of the condition of your ward. The Court monitors and determines if the guardianship is still necessary and whether a proper continuing care plan is being followed.

All Guardians Must File the Report.

- **When to File**

You are to file with the Fairfield County Probate Court a Guardian's Report (Form 17.7) no later than one year after the date of your appointment as legal guardian. The next subsequent Guardian's Report shall be due no later than one year after the date the previous Guardian's Report is filed.

- **Statement of Expert Evaluation**

A Statement of Expert Evaluation (Form 17.1) must accompany at least the guardian's first Guardian's Report. This form may be completed by a licensed physician, psychologist, licensed independent social worker or a member of the developmental disabilities team. If the expert signs the Guardian's Report Addendum on the Statement of Expert Evaluation, either with the guardian's first Guardian's Report or any subsequent Guardian's Report, then the Statement of Expert Evaluation shall not be due starting with the next Guardian's Report.

- **Co-Guardians**

If there are two guardians, one for the person and one for the estate, only the guardian of the person need file the report.

Filing Procedure:

- **Mail to, or File with, Court**

Once completed, the Guardian's Report and Statement of Expert Evaluation (if required) should be mailed or delivered to the Fairfield County Probate Court for filing. A statutory filing fee of \$5.00 will be charged unless the ward has previously been designated as indigent.

- **When Represented by an Attorney**

When necessary, Guardians who are represented by an attorney should consult that person for guidance in completing and filing the Report.

Completing the Report Form:

(See sample form at the end of this Appendix.)

- Fill in all blanks and provide the requested information. Your ward's current location (hospital, nursing home, etc.) may be different from the legal residence or home address.
- Signatures:
 1. Attorney's signature - required if he/she assisted you with this report.
 2. Guardian's signature - the Guardian must sign the report. Please include your work telephone number where you can be reached during day time hours.

If You Cannot File on Time:

- Seek advice and counsel through your attorney.
- Contact the Clerk assigned to your case in reference to difficulties you may be experiencing in filing a timely Report.

Failure to File:

- If you fail to file your Report you will receive a notice of non-compliance from the Court directing you to file the Report by a certain date, otherwise the guardian and the attorney, if one is appointed, will be subject to a citation by the Court.
- Failure to file a Report on time is considered a serious infraction, and may cause the guardian to be cited to appear before the Court.

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION**

TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

GUARDIAN'S REPORT

[R.C. 2111.49]

NOTE: If allotted space is inadequate to respond, write "See Exhibit" in the space and add appropriate exhibit letter sequence, then attach exhibit containing information requested for that space.

1. This is the (check one) ☐ 1st, ☐ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☐ 6th, or _____, Guardian's Report.

2. Ward's present address: _____

City _____ State _____

Zip _____ Telephone _____

3. Ward's living arrangements at the above address are best described as:

☐ a. His or her own apartment or home (includes assisted living facilities.)

☐ b. Private home or apartment of:

☐ (1) the ward's guardian

☐ (2) a relative of the ward, whose name is _____
and relationship is _____

☐ (3) a non-relative whose name is _____

☐ c. A foster, group or boarding home.

☐ d. A nursing home.

☐ e. A medical facility or state institution.

☐ f. Other (describe) _____

g. If **c**, **d**, **e** or **f** is checked, complete the following:

(1) The name of the home, facility or institution _____

(2) The name of an individual at the home, facility or institution who has knowledge and is authorized to give information to the court about the ward.

Name _____

Telephone Number _____

4. The ward will be at the address given in Item 2:

☐ a. Indefinitely.

☐ b. Temporarily. The new address and telephone number is:

☐ (1) Unknown. I will provide this information when known.

☐ (2) _____

City _____ State _____

Zip _____ Telephone _____

5. Guardian's contact with the ward.

a. Approximate number of times the guardian had contact with the ward during the period covered by this report:

b. The nature of those contacts (phone, personal, or other): _____

c. Date the ward was last seen by the guardian: _____

6. Have you observed any **major** change in the ward's physical or mental condition during the period covered by this report? ☐ Yes ☐ No

If "yes" is checked, briefly describe the changes. _____

7. The care given to the ward is ☐ Adequate ☐ Not Adequate

If "Not Adequate" is checked, explain. _____

8. The guardianship should be ☐ Continued ☐ Not Continued

If "Not Continued" is checked, explain. _____

9. During the period covered by this report, the ward ☐ has ☐ has not been seen by a physician. If the ward has been seen, the last date was _____ and for the purpose of

10. ☐ I currently serve as the guardian to ten or more wards and certify to the Court that I am unaware of any circumstances that may disqualify me from serving as guardian for this ward

11. ☐ I have completed the continuing education requirement (Attach Certificate of Completion if applicable)

☐ The continuing education requirement was waived.

☐ Attached is a statement by a licensed physician, a licensed clinical psychologist, a licensed social worker, or a member of the Board of DD team, who has evaluated or examined the ward within three months prior to the date of this report regarding the need for continuing the guardianship. This is required unless an expert has previously signed the addendum found on the third page of the statement of expert evaluation. (Form 17.1)

If an attorney has been consulted on this report:

Date: _____

Attorney's Signature

Guardian's Signature

Typed or Printed Name

Typed or Printed Name

Address

Address

City State Zip

City State Zip

Telephone Number (include area code)

Telephone Number (include area code)

Attorney Registration No.

(Knowingly giving false information on a Probate document is a criminal offense)

[R.C.2921.13(A)(11)]

FORM 17.7 - GUARDIAN'S REPORT

PAGE 2

Amended 3/1/17

Discard all previous version of this form

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION**

TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

ANNUAL GUARDIANSHIP PLAN - PERSON

[Sup.R. 66.08 (G)]

[Attach as addendum to Form 17.7-Guardian's Report.]

I am the guardian of the for the above-named Ward. I have identified the following goal(s) for the next year and how I intend the goal(s) to be met.

☐ Attached is the Individual Service Plan (ISP) through the county board of development disabilities.

For the Person

Goal - (for example: address medication issues; obtain assistance devices; secure medical and rehab services; meet mental health service needs; secure personal care services; enhance nutrition; improve social skills, etc.)

Means to Meet the Goal – (for example: educate on benefits of medications and compliance; obtain walker, wheelchair, hearing aid; schedule semi-annual checkups/exams; secure outpatient examinations and mental health counseling; arrange for shopping and/or meals on wheels; enroll in sheltered workshop/socialization programs, etc.)

[Attach additional pages if necessary]

CASE NO._____

Guardian's Printed Name

Guardian's Signature

Street

Telephone Number (include area code)

City State Zip Code

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION
TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

ANNUAL GUARDIANSHIP PLAN - ESTATE

[Sup.R. 66.08 (G)]

[Attach as addendum to Form 17.7-Guardian's Report.]

I am the guardian of the estate for the above-named Ward. I have identified the following goal(s) for the next year and how I intend the goal(s) to be met.

For the Estate

Goal - (for example: obtain representative payee; enroll in Medicaid; establish Special Needs Trust; improve money handling skills)

Means to Meet the Goal – (for example: contact Social Security; contact Job and Family Services/Attorney re exempt assets/eligibility; secure supporting documentation; schedule skill training, etc.)

Attach additional pages if necessary]

Guardian's Printed Name

Guardian's Signature

Street

Telephone Number (include area code)

City State Zip Code

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION**

TERRE L. VANDERVOORT, JUDGE

GUARDIANSHIP OF _____
CASE NO. _____

STATEMENT OF EXPERT EVALUATION

[Sup. R. 66 & R.C. 2111.49]

Definition of Incompetent (R.C. 2111.01(D)): "Incompetent" means any person who is so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this State."

The Statement of Evaluation does not declare the individual competent or incompetent, but is evidence to be considered by the Court. The fee for completing this evaluation **WILL NOT** be paid by the Probate Court. Each evaluator should secure payment from the Applicant/Guardian.

1. This Statement of Expert Evaluation is to be filed with or attached to:

- ☐ A. Guardianship Application: Completed by ☐ Licensed Physician or ☐ Licensed Clinical Psychologist prior to the filing and attached to the application.
- ☐ B. Guardian's Report: Completed by ☐ Licensed Physician ☐ Licensed Clinical Psychologist
☐ Licensed Independent Social Worker ☐ Licensed Professional Clinical Counselor, or
☐ Mental Retardation Team.

The evaluation or examination shall be completed within three months prior to the date of the Report. R.C. 2111.49

- ☐ C. Application for Emergency Guardian: ☐ of the person: a Licensed Physician shall complete the Supplement for Emergency Guardian, form 17.1A with specificity indicating the emergency, and why immediate action is required to prevent significant injury to the person. The Supplement shall be signed, dated, and attached as part of this completed Statement.

2. Statement completed by:

Name & Title/Profession: _____

Business Address: _____

Business Telephone Number: _____

3. Date(s) of evaluation: _____

Place(s) of evaluation: _____

Amount of time spent on evaluation: _____

Length of time the individual has been your patient: _____

4. Is the individual presently under medication? ☐ Yes ☐ No If yes, what is the medication, dosage, and purpose?

Are there any signs of physical and/or mental impairments caused by the medications themselves?

5. Is the individual mentally impaired? ☐ Yes ☐ No If yes, indicate the diagnosis below:

☐ Mental Retardation/Developmental Disabilities:

☐ Profound

☐ Severe

☐ Moderate

☐ Mild

☐ Mental Illness: Type and Severity _____

☐ Substance Abuse: Description _____

☐ Dementia: Description _____

☐ Other: Description _____

Please provide additional comments and test scores if available. (Continue comments on page 4): _____

6. During the examination did you notice an impairment of the individual's:

a) Orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
b) Speech	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
c) Motor Behavior	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
d) Thought Process	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
e) Affect	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
f) Memory	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
g) Concentration and comprehension	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
h) Judgment	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

7. Please describe any impairments identified in question six. (Continue comments on page 4).

8. Is the individual physically impaired? ☐ Yes ☐ No If yes: Description: _____

9. Are there any special characteristics of the individual which should be considered in evaluating the individual for guardianship: ☐ Yes ☐ No If yes: Explain: _____

10. Are there any indication of abuse, neglect or exploitation of the individual? ☐ Yes ☐ No
If yes: Explain _____

11. Do you believe the individual is capable of caring for the individual's activities of daily living or making decisions concerning medical treatments, living arrangements and diet? ☐ Yes ☐ No
If no: Explain _____

12. Do you believe this individual is capable of managing the individual's finances and property?
☐ Yes ☐ No If no: Explain _____

13. Prognosis:
A. Is the condition stabilized? ☐ Yes ☐ No
B. Is the condition reversible? ☐ Yes ☐ No
14. In my opinion a guardianship should be:
☐ Established/Continued
☐ Denied/Terminated

I certify that I have evaluated the individual on _____, 20____.

Date _____
/s/ Dr. Acula
Signature of Evaluator

***Because the below is signed, the Court would not require any additional expert evaluations after this one.**

GUARDIAN'S REPORT ADDENDUM
(Not to be used with initial Application)

It is my opinion, based upon a reasonable degree of medical or psychological certainty, that the mental capacity of this ward will not improve.

Date _____
/s/ Dr. Acula
Signature-Licensed Physician/Clinical Psychologist

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature-Licensed Physician/Clinical Psychologist